

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAINT-GOBAIN GLASS FRANCE,)

Plaintiff,)

v.)

Civil Action No. 1:06-cv-446-JJF

AUTOMOTIVE COMPONENTS)

HOLDINGS, LLC,)

Defendant.)

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by February 15, 2007 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before March 30, 2007.

3. **Discovery.**

(a) Exchange and completion of contention interrogatories, identification of fact witnesses and document production shall be commenced so as to be completed by May 15, 2007. All fact discovery shall be commenced so as to be completed by June 29, 2007, except as set forth in paragraph 3(g) below.

(b) Maximum of 25 interrogatories, including contention interrogatories, for each side.

(c) Maximum of 50 requests for admission by each side.

(d) Maximum of 10 depositions by plaintiff(s) and 10 by defendant(s), excluding expert depositions. Depositions shall not commence until the discovery required by Paragraph 3(a, b and c) is completed. For 30(b)(6) depositions, every seven (7) hours shall be counted as one deposition.

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a)(2) are due from the party with the burden of proof by July 16, 2007; from the party responding by August 15, 2007.

(f) Any party desiring to depose an expert witness shall notice and complete said deposition no later than September 14, 2007.

(g) Defendant shall identify whether it will rely upon an advice of counsel defense to the charge of willful infringement no later than May 31, 2007 and shall produce any documents relating thereto at the same time. Fact discovery on willfulness only shall be extended through July 31, 2007.

4. Discovery Disputes.

A party seeking discovery which the opposing party refuses to provide shall comply with the Court's December 15, 2006 order regarding the procedure for filing non-case dispositive motions in patent cases.

5. Amendment of the Pleadings. All motions to amend the pleadings shall be filed on or before March 30, 2007.

6. Case Dispositive Motions. Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before October 1, 2007. Any opposition shall be filed by October 31, 2007 and any reply by November 15, 2007. No case dispositive motion may be filed more than ten (10) days from the

above date without leave of the Court. The Court will issue a separate Order regarding procedures for filing summary judgment motions.

7. **Markman.** A Markman Hearing will be held on December 3, 2007.

Briefing on the claim construction issues shall be completed as follows: Each party shall exchange a list of terms believed to require construction by August 31, 2007. Each party shall exchange proposed constructions of the disputed terms by September 14, 2007. On October 1, 2007 the parties shall file a joint claim chart, identifying claim terms in dispute, and providing each side's interpretation accompanied by intrinsic evidence in support. The joint claim chart should not include argument, which shall be made in the parties' respective briefs. Opening briefs for each party shall be filed by October 1, 2007, and response briefs shall be filed by October 31, 2007. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective January 1, 1995). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall e-mail Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. Pretrial Conference and Trial. After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

DATE

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UNITED STATES DISTRICT JUDGE